



W.P.No.37535 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.37535 of 2025

and

W.M.P.Nos.41991 & 41992 of 2025

M/s.Tri Electric Private Limited,
Represented by its Director,
Mr.Siddhaarth Madabushi,
Plot No.D-5, SIPCOT Industrial Complex,
Gummidipoondi, Tiruvallur – 601 201,
Tamilnadu.

... Petitioner

Vs.

The Additional Commissioner of Customs (Group-5B),
Office of the Commissioner of Customs, Chennai – II (Imports),
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in Order-in-Original No.112815/2025 passed under Section 128(1) of the Customs Act, 1962 dated 31.03.2025 passed by the respondent and quash the same as illegal and not in accordance with law and consequently direct the respondent to conduct fresh proceedings after providing a reasonable opportunity of hearing to the petitioner in accordance with law.



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For Petitioner : Mr.Raghav Rajjev Menon

For Respondent : Ms.Revathi Manivannan
Senior Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order in original dated 31.03.2025 passed by the respondent.

2. The impugned order in original passed by the respondent has been challenged on the ground of violation of principles of natural justice. The petitioner contends that no sufficient personal hearings were granted to them prior to the passing of the impugned order in original.

3. Learned counsel for the petitioner drew the attention of this Court to the impugned order in original and would submit that only one personal hearing was afforded to the petitioner instead of three personal hearings that ought to have been afforded. He would also submit that in the written submission filed by the petitioner, they have made a specific request to the respondent to afford one more personal hearing, however, according to him, the same was not granted. But, the respondent without



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affording sufficient personal hearings has passed the impugned order in violation of principles of natural justice.

4. A counter has been filed by the respondent denying the contentions of the petitioner as raised in this writ petition.

5. However, as seen from the impugned order, the following are the undisputed facts :-

(a) the respondent has not adhered to their own circular which provides that three personal hearings will have to be afforded before passing the final order;

(b) in the case on hand, only one personal hearing was afforded to the petitioner;

(c) a specific request was made by the petitioner through their written submission that further personal hearing is required from the respondent, but despite the same, the respondent without affording any further personal hearing to the petitioner, has passed the impugned order in original.



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6. As seen from the above undisputed facts, it is clear that the respondent has not adhered to the principles of natural justice and they have also not adhered to their own circular, which provides that three personal hearings will have to be afforded to the petitioner. Further, it is also to be noted that despite a specific request having been made by the petitioner through their written submission that a further personal hearing is required, the respondent had ignored the same and has gone ahead to pass the impugned order.

7. For the foregoing reasons, this Court is of the considered view that the impugned order in original is passed in violation of principles of natural justice and therefore, the same will have to be quashed and remanded back to the very same respondent for fresh consideration on merits and in accordance with law, by adhering to the principles of natural justice and by adhering to the respondent's own circular with regard to providing the petitioner with adequate personal hearings.

8. In the result, the impugned order in original dated 31.03.2025 passed by the respondent is hereby quashed and the matter is remanded



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back to the very same respondent for fresh consideration on merits and in accordance with law. The respondent shall pass final orders within a period of six (6) months from the date of receipt of a copy of this order, by providing three personal hearings to the petitioner and by adhering to the principles of natural justice.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

17.12.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

The Additional Commissioner of Customs (Group-5B),
Office of the Commissioner of Customs, Chennai – II (Imports),
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.



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ABDUL QUDDHOSE. J.

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